REMARKS

The Amendments

Claim 10 is amended to recite the density of the very low-density polyethylenes optionally used as component (A2). This amendment is made to distinguish the application of the references made in the Office Action, as discussed below. Claim 10 is also amended to clarify that the component (B) polyethylene is not grafted. This is believed to have been evident from disclosure and does not narrow the scope of this recitation, however, the clarification is made in view of remarks in the Office Action, as addressed below. Claims 12, 13, 21 and 22 are amended to make obvious clarifications which do not change the claims' scope.

It is submitted that the above amendments would put the application in condition for allowance or materially reduce or simplify the issues for appeal. The amendments do not raise new issues or present new matter and do not present additional claims. The only amendment affecting the claims' scope is the incorporation of the substance of claim 20 into claim 10. Since claim 20 has already been examined, no new issue is raised by this amendment. The amendments have been made to address statements first made in the Final Office Action as to how the previous claims were interpreted, as discussed below. Thus, they were not earlier presented. Accordingly, it is submitted that the requested amendments should be entered.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more

continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejection under 35 U.S.C. §102

The rejection of claims 10-15 and 17-22 under 35 U.S.C. §102, as being anticipated by Nagano (EP 35392) is respectfully traversed.

In the "Response to Arguments" section of the Office Action, it is alleged that each of the components (A1), (A2) and (B) are met by the sole (A)(i) graft-modified ethylene resin of Nagano. Applicants respectfully disagree and have clarified claim 10 to make clear the distinction between their components (A1), (A2) and (B). Thus, it is clarified that the very low density polyethylenes option for (A2) are those having a relative density of 0.860 to 0.880. Further, it is clarified that the polyethylene component for (B) is not grafted.

In view of the above clarifications, it should be evident that a single polyethylene component (A)(i) of Nagano cannot satisfy all the component elements of the instant claims. Components (A1) and (A2) of the instant claims cannot be the same polyethylene. Polyethylene (A1) has a relative density between 0.910 and 0.940 and polymer (A2), when it is a polyethylene, is a very low-density polyethylene having a relative density of 0.860 to 0.880. These are mutually exclusive components. Further, component (B) of the instant claims cannot be the same as either of components (A1) or (A2). Each of components (A1) and (A2) are grafted; component (B) is not grafted. Thus, (B) is mutually exclusive of both (A1) and (A2). Thus, the instant claims require at least these three distinct components.

Nagano teaches a composition having a single graft-modified ethylene resin, (A)(i), and, optionally, an unmodified ethylene polymer, (A)(ii). If component (A)(i) of Nagano meets the recitations of applicants' component (A1), then it cannot meet the recitation of applicants' component (A2) and vice versa. Further, Nagano's component (A)(ii) cannot meet

either of applicants' components (A1) or (A2) because it is not grafted. Accordingly, Nagano fails to teach a composition containing two distinct components which are both grafted with an unsaturated carboxylic acid.

For the above reasons, at least, Nagano fails to anticipate the instant claims. Thus, the rejection under 35 U.S.C. §102 should be withdrawn.

The Rejection under 35 U.S.C. §103

The rejection of claim 16 under 35 U.S.C. §103, as being obvious over Nagano in view of Adur (U.S. Patent No. 4,460,745) is respectfully traversed.

The discussion of the distinctions of Nagano from the instant claims is incorporated herein by reference. Adur was cited for its teaching regarding use a polar resin layer such as EVOH. It fails to make up for the above-discussed deficiency of Nagano to meet or suggest the instant claim recitations. In fact, Adur, like Nagano, teaches mixtures which contain only one grafted polyethylene component; see, e.g., col. 1, lines 46-53.

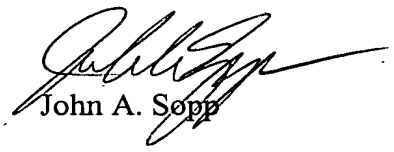
Nagano alone or with Adur fails to suggest the addition of a distinct grafted component in addition to the grafted polyethylene resin (A)(i) component taught therein. There is nothing in Nagano or Adur to suggest that a grafted polyethylene of differing relative density or a grafted elastomer or grafted polyethylene metallocene would be useful or desirable in their compositions. In order to establish obviousness under 35 U.S.C. §103, the mere fact that the prior art could be modified to arrive at the claimed invention is insufficient. The prior art must suggest to one of ordinary skill in the art the desirability of the necessary modification. See In re Laskowski, 10 USPQ2d 1397 (Fed. Cir. 1989); and, In re Geiger, 2 USPQ2d 1276 (Fed. Cir. 1987). It is respectfully submitted, for the reasons given above, that the prior art of record fails to suggest the desirability of modifying the references in the

manner necessary to arrive at the claimed invention and, thus, the prior art as a whole fails to establish obviousness of the claimed invention.

Accordingly, the rejection under 35 U.S.C. §103 should also be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

Respectfully submitted,



John A. Sopp